

FAX #11/Election
D. Evans
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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

In re the application of

Gregory W. Purdom

Examiner: Carmelo B. Oliva

Art Unit: 7723

Serial No.: 09/899,646

Date Filed: July 26, 2001

FOR: BOILER FOR A HARDENED
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The Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

This paper is filed in response to the
Election/Restriction requirement mailed by the PTO on
January 15, 2003 in the above identified Patent Application.

The Examiner has stated that claims 1-141 are
subject to restriction and/or election.

More particularly, the Examiner has required
restriction to one of the following Examiner defined
inventions, citing 35 U.S.C. 121, namely:

- I. Claims 1-88, drawn to a removable memory module, classified in class 361, subclass 728;
- II. Claims 89-111, drawn to a hardened voyage recorder, classified in class 174, subclass 52.1;
- III. Claims 112-119, drawn to a process for fabricating a removable memory module, classified in class 29, subclass 592.1;
- IV. Claims 120-136, drawn to a boiler, classified in class 361, subclass 689; and
- V. Claims 137-141, drawn to a process for fabricating a boiler, classified in class 29, 592.1.

Applicant and the Examiner discussed the instant election/restriction requirement in a telephone interview held on January 30, 2003.

At that time, applicant's attorney indicated that an election would be made with traverse; and that the Group IV claims (claims 120-136, drawn to a boiler), would be elected for the purposes of responding to the Examiner's action and allowing examination to proceed.

The election is made with traverse to preserve the opportunity at a later date to argue for consolidation of the claims restricted out by virtue of the election made following the restriction requirement.

By way of example, applicant respectfully submits that, contrary to the Examiner's assertion in paragraph 12 of the instant action, the claims in Groups III (claims 112-119), and Group V (claims 137-141), have not acquired a separate status in the art as shown by different classification; in fact, they have been classified by the Examiner to be in the very same class and subclass, namely class 29, 592.1).

Further reasons for traverse include arguments that are reserved should consolidation be sought in the future to assertions made concerning separate utility for subcombinations, assertions concerning how components could be made by processes other than those set forth in the restricted claims, etc.

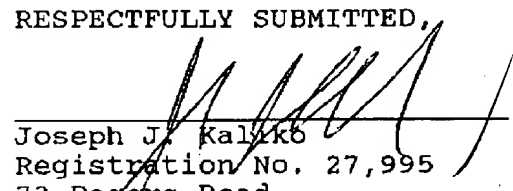
Again, at this time applicant elects, with traverse, Group IV., claims 120-136, and thanks the Examiner for his courtesies on the telephone during the interview to discuss the pending application.

As required, this written response is being filed within the one month period allowed from date of mailing of the election/restriction requirement. Accordingly, no fees are due with the filing of this paper.

Further, this paper is being filed via Express Mail and via fax as discussed with the Examiner, to Fax Number 703-746-4129.

Applicant respectfully requests consideration of the Group IV claims (claims 120-136) and solicits the allowance of these claims at an early date.

RESPECTFULLY SUBMITTED,



Joseph J. Kalicki
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73 Rogers Road
Stamford, Connecticut 06902
(203) 359-4370

L3-008
January 31, 2003



EV 035485843 US



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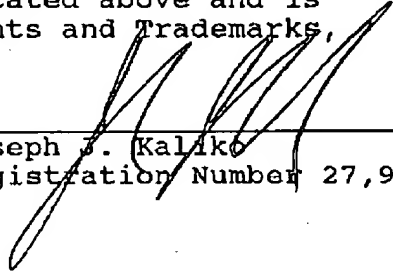
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PTO acknowledges receipt of a Response to a Restriction/Election Requirement that was sent to the PTO via Express Mail on 1/31/03.

L3-008
 Marine Boiler
 SN 09/899,646

CERTIFICATE OF MAILING BY EXPRESS MAIL

"Express Mail" mailing label number EV035485843US date of deposit January 31, 2003. I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office To Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner Of Patents and Trademarks, Washington, D.C. 20231.



Joseph J. Kaliko
Registration Number 27,995

L3-008:
Response to
Election/Restriction
Requirement
January 31, 2003

From: To: Examiner Carmelo Oliva AU7723

Date: 1/31/03 Time: 12:06:38

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FACSIMILE COVER PAGE

☐y☐ Examiner Carmelo Oliva AU7723
From :
Subj ct: Election/Restriction SN 09/899646
Pages (including cover): 7

Time: 12:06:26
Date: 01/31/23

From: Kaliko Law Offices-Joseph J. Kaliko
To: Examiner Oliva
1/31/03

Dear Examiner Oliva...I am faxing herewith the Response we discussed to the Election/Restriction requirement issued in the above identified patent application of Gregory W. Purdom.

Please examiner your Group IV claims...i.e., claims 120-136.
The election is made with traverse...Thank you...Joseph J. Kaliko

Received from < > at 1/31/03 10:29:50 AM [Eastern Standard Time]